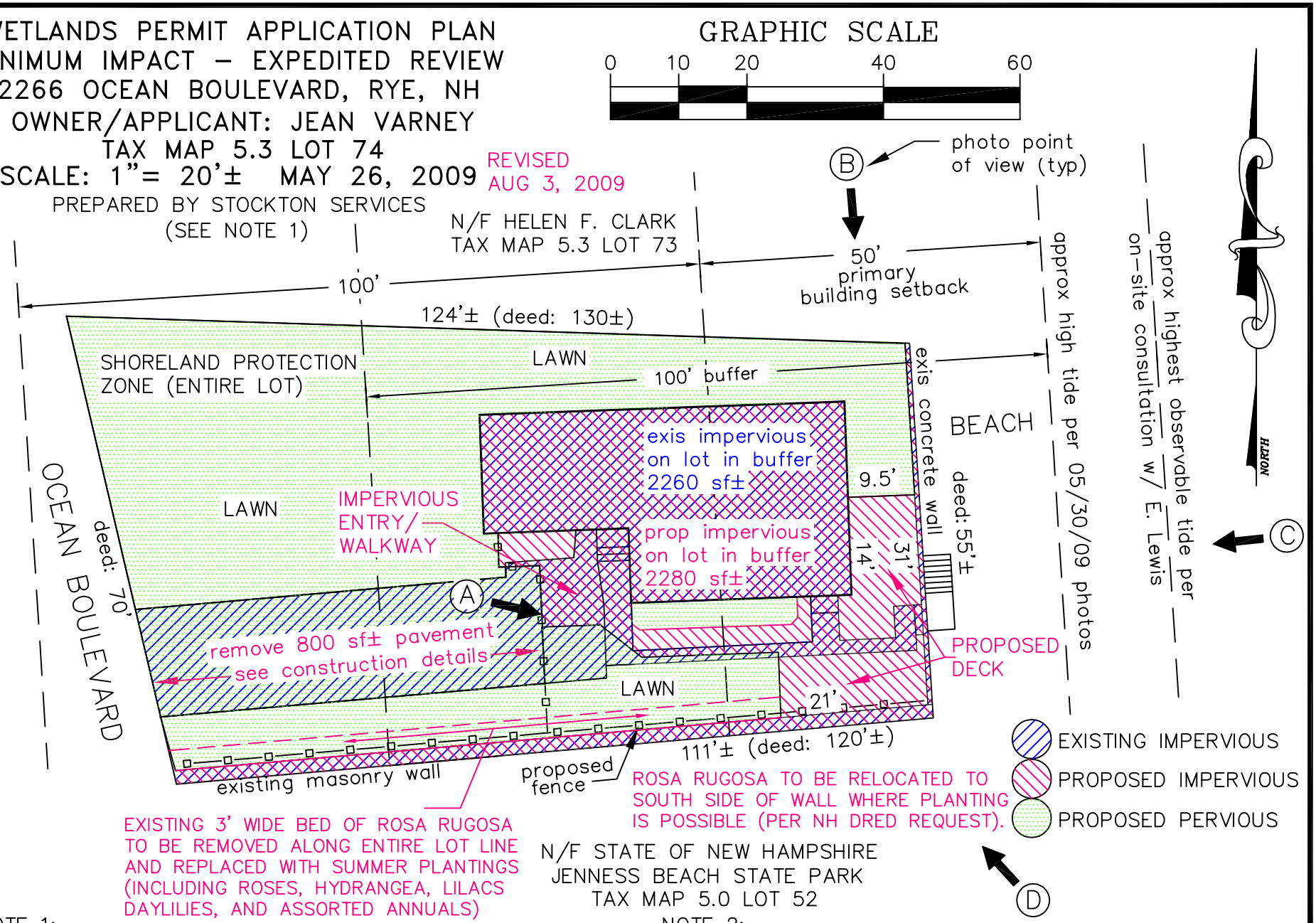
WETLANDS PERMIT APPLICATION PLAN
MINIMUM IMPACT – EXPEDITED REVIEW
2266 OCEAN BOULEVARD, RYE, NH
OWNER/APPLICANT: JEAN VARNEY
TAX MAP 5.3 LOT 74
SCALE: 1"= 20'± MAY 26, 2009

REVISED AUG 3, 2009

PREPARED BY STOCKTON SERVICES (SEE NOTE 1)



NOTE 1:

THIS PLAN IS COMPILED FROM RECORD INFORMATION AND ON-SITE MEASUREMENTS (ROUGH TAPING). NO BOUNDARY OR TOPOGRAPHIC SURVEY WAS PERFORMED IN CONJUNCTION WITH THIS APPLICATION. GRADING TO REMAIN THE SAME (TOWARD OCEAN BOULEVARD).

NOTE 2:

PROPOSAL REPRESENTS AN INCREASE OF APPROX 20 SF IMPERVIOUS SURFACE WITHIN THE 100' TIDAL BUFFER BUT ALSO PROVIDES A NET REDUCTION OF APPROX 520 SF FOR THE ENTIRE LOT (2870 SF± EXIS, 2350 SF± PROP).

New Hampshire Natural Heritage Bureau

To: Anne Bialobrzeski
Stockton Services
PO Box 1306
Hampton, NH 03843-1306

Date: 6/24/2009

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 6/24/2009

VALID ONLY FOR NOTIFICATION OR MINIMUM EXPEDITED APPLICATIONS SUBMITTED TO THE NHDES WETLANDS BUREAU

NHB File ID: NHB09-1213

Applicant: Jeff Gerahty

Tax Map(s)/Lot(s): Map 5.3 Lot 74
Rye

Project Categories:
Buildings and Related Structures: Single residential building lot

The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded occurrences for sensitive species near this project area.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present

This review is valid through 6/24/2010.

Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
PO Box 1856
Concord NH 03302-1856

MAP OF PROJECT BOUNDARIES FOR: NHB ID# NHB09-1213

Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
PO Box 1856
Concord NH 03302-1856

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C/H
L-CHIP
ROA008572

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE ADMINISTRATION
REAL ESTATE TRANSFER TAX
18 THOUSAND 5 HUNDRED AND 25 DOLLARS
MO DAY YR AMOUNT
09 29 08 862602 $18,525.00
VOID IF ALTERED

046558

2008 SEP 29 AM 11:50

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

WARRANTY DEED

KNOW EVERYONE BY THESE PRESENTS, That

Sarah S. Rafferty (a married person), as Trustee of the Sarah S. Rafferty Revocable Trust of 2266 Ocean Boulevard, Rye, NH 03870,

for consideration paid, grant to

Andrew P. Varney and Jean B. Varney, husband and wife, of 909 Douglass Drive, McLean, VA 22101

with warranty covenants, as Joint Tenants with Rights of Survivorship, the following described property:

A certain tract of land with the buildings thereon situated in Rye, County of Rockingham and State of New Hampshire, lying on the Easterly side of the Ocean Boulevard, so-called, and bounded as follows:

Beginning at a stake in the ground on the Easterly side of said Ocean Boulevard at land now or formerly of Robert W. Upton; thence running Southeasterly and bounded Northeasterly by the said Robert W. Upton's land about one hundred thirty (130) feet to the Atlantic Ocean: thence turning and running Southerly along the Atlantic Ocean about fifty-five (55) feet to a stake in the ground, at land of the State of New Hampshire: thence turning and running Westerly and bounded Southerly by land of the State of New Hampshire about one hundred twenty (120) feet to said Ocean Boulevard: thence turning and running Northeasterly along said Ocean Boulevard seventy (70) feet to said stake in the ground at said Robert W. Upton's land and the point of beginning.

Meaning and intending to describe and convey the same premises conveyed to Sarah S. Rafferty, Trustee of the Sarah S. Rafferty Revocable Trust by deed of Citizens Bank New Hampshire, Trustee of the John P. H. Chandler, Jr. Revocable Trust dated July 14, 2004, and recorded in the Rockingham County Registry of Deeds at Book 4330, Page 1325.

Sarah S. Rafferty, wife and James J. Rafferty husband of said grantor, release to said grantee all rights of homestead and other interests therein.

The undersigned Trustee is the sole Trustee under the **Sarah S. Rafferty Revocable Trust,** created under a certain Declaration of Trust and thereto has full and absolute power in said Trust Agreement to convey any interest in real estate and improvements thereon, and pledge said property as security, held in said Trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any Trust asset paid to the Trustee as a conveyance thereof.

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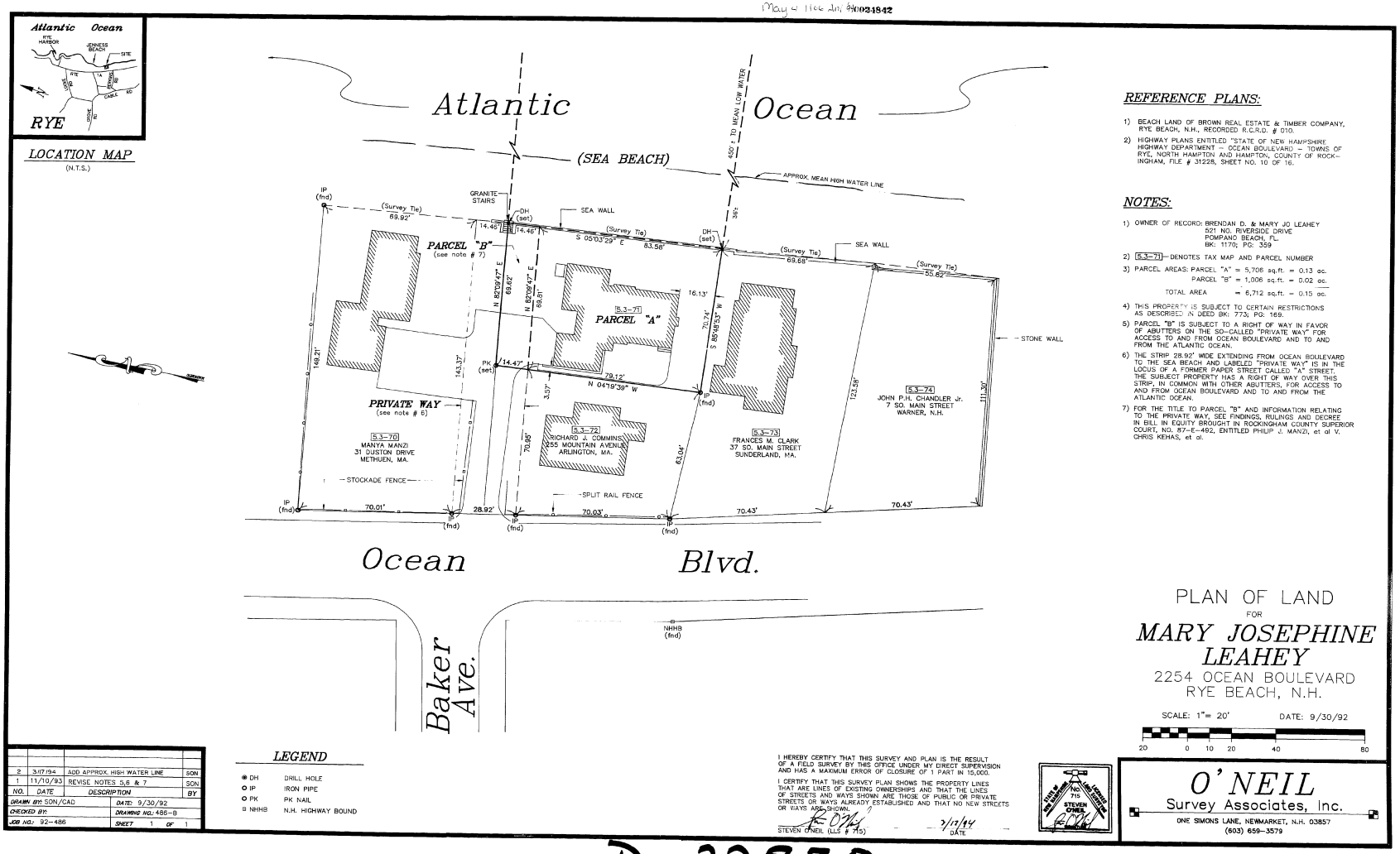

RYE

LOCATION MAP
(N.T.S.)

REFERENCE PLANS:

1) BEACH LAND OF BROWN REAL ESTATE & TIMBER COMPANY, RYE BEACH, N.H., RECORDED R.C.R.D. # 010.
2) HIGHWAY PLANS ENTITLED "STATE OF NEW HAMPSHIRE HIGHWAY DEPARTMENT – OCEAN BOULEVARD – TOWNS OF RYE, NORTH HAMPTON AND HAMPTON, COUNTY OF ROCKINGHAM, FILE # 31228, SHEET NO. 10 OF 16.

NOTES:

1) OWNER OF RECORD: BRENDAN D. & MARY JO LEAHEY
521 NO. RIVERSIDE DRIVE
POMPANO BEACH, FL.
BK. 1170; PG. 359
2) 5.3-71 — DENOTES TAX MAP AND PARCEL NUMBER
3) PARCEL AREAS: PARCEL "A" = 5,706 sq.ft. = 0.13 ac.
PARCEL "B" = 1,006 sq.ft. = 0.02 ac.
TOTAL AREA = 6,712 sq.ft. = 0.15 ac.
4) THIS PROPERTY IS SUBJECT TO CERTAIN RESTRICTIONS AS DESCRIBED IN DEED BK. 773; PG. 169.
5) PARCEL "B" IS SUBJECT TO A RIGHT OF WAY IN FAVOR OF ABUTTERS ON THE SO-CALLED "PRIVATE WAY" FOR ACCESS TO AND FROM OCEAN BOULEVARD AND TO AND FROM THE ATLANTIC OCEAN.
6) THE STRIP 28.92' WIDE EXTENDING FROM OCEAN BOULEVARD TO THE SEA BEACH AND LABELED "PRIVATE WAY" IS IN THE LOCUS OF A FORMER PAPER STREET CALLED "A" STREET. THE SUBJECT PROPERTY HAS A RIGHT OF WAY OVER THIS STRIP, IN COMMON WITH OTHER ABUTTERS, FOR ACCESS TO AND FROM OCEAN BOULEVARD AND TO AND FROM THE ATLANTIC OCEAN.
7) FOR THE TITLE TO PARCEL "B" AND INFORMATION RELATING TO THE PRIVATE WAY, SEE FINDINGS, RULINGS AND DECREE IN BILL IN EQUITY BROUGHT IN ROCKINGHAM COUNTY SUPERIOR COURT, NO. 87-E-492, ENTITLED PHILIP J. MANZI, et al V. CHRIS KEHAS, et al.

PLAN OF LAND
FOR
MARY JOSEPHINE LEAHEY
2254 OCEAN BOULEVARD
RYE BEACH, N.H.

SCALE: 1"= 20' DATE: 9/30/92

20 0 10 20 40 80

NO.	DATE	DESCRIPTION	BY
2	3/17/94	ADD APPROX. HIGH WATER LINE	SON
1	11/10/93	REVISE NOTES 5,6 & 7	SON

DRAWN BY: SON/CAD DATE: 9/30/92
CHECKED BY: DRAWING NO.: 486-B
JOB NO.: 92-486 SHEET 1 OF 1

LEGEND

- ◉ DH — DRILL HOLE
- ○ IP — IRON PIPE
- ○ PK — PK NAIL
- ▫ NHHB — N.H. HIGHWAY BOUND

I HEREBY CERTIFY THAT THIS SURVEY AND PLAN IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE UNDER MY DIRECT SUPERVISION AND HAS A MAXIMUM ERROR OF CLOSURE OF 1 PART IN 15,000.

I CERTIFY THAT THIS SURVEY PLAN SHOWS THE PROPERTY LINES THAT ARE LINES OF EXISTING OWNERSHIPS AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW STREETS OR WAYS ARE SHOWN.

STEVEN O'NEIL (LLS # 715) — DATE 3/17/94

STATE OF NEW HAMPSHIRE LAND SURVEYOR NO. 715 STEVEN O'NEIL

O'NEIL
Survey Associates, Inc.
ONE SIMONS LANE, NEWMARKET, N.H. 03857
(603) 659-3579

D-22850

1" = ____

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No Image

MBLU :	005/ 052/ / / /
Location:	2280 OCEAN BOULEVARD
Owner Name:	NEW HAMPSHIRE STATE OF
Account Number:	002808

Parcel Value

Item	Assessed Value
Buildings	0
Xtra Bldg Features	0
Outbuildings	20,800
Land	1,056,000
Total:	**1,076,800**

Owner of Record

NEW HAMPSHIRE STATE OF
P.O. BOX 606
RYE BEACH, NH 03871

Ownership History

Owner Name	Book/Page	Sale Date	Sale Price
NEW HAMPSHIRE STATE OF			0

Land Use

Land Use Code	Land Use Description
901V	NH STATE MDL-00

Land Line Valuation

Size	Zone	Assessed Value
1.30 AC	PREC	1,056,000

Construction Detail

Building # 1

Building Valuation

Living Area: 0 square feet **Replacement Cost**: 0 **Year Built**:
Depreciation: 100% **Building Value**: 0

Extra Features

Code	Description	Units
No Extra Building Features		

Outbuildings

Code	Description	Units
BTH2	W/PLUMBING	396 S.F.
PAV1	PAVING-ASPHALT	21616 S.F.

Building Sketch

Vacant Land, No Sketch

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No Image

MBLU :	053/ 074/ / / /
Location:	2266 OCEAN BOULEVARD
Owner Name:	VARNEY ANDREW P & JEAN B
Account Number:	000435

Parcel Value

Item	Assessed Value
Buildings	99,000
Xtra Bldg Features	2,500
Outbuildings	0
Land	1,379,900
Total:	**1,481,400**

Owner of Record

VARNEY ANDREW P & JEAN B
909 DOUGLASS DRIVE
MCLEAN, VA 22101

Ownership History

Owner Name	Book/Page	Sale Date	Sale Price
VARNEY ANDREW P & JEAN B	4952/1736	9/26/2008	1,235,000
RAFFERTY SARAH S REV TR	4330/1325	7/14/2004	950,000
CHANDLER JOHN PH REV TRUST	3194/1202	12/2/1996	0

Land Use

Land Use Code	Land Use Description
1012	OCEANFRONT MDL-01

Land Line Valuation

Size	Zone	Assessed Value
0.20 AC	SRES	1,379,900

Construction Detail

Building # 1

Building Valuation

Living Area: 1,514 square feet **Replacement Cost**: 159,611 **Year Built**: 1940
Depreciation: 38% **Building Value**: 99,000

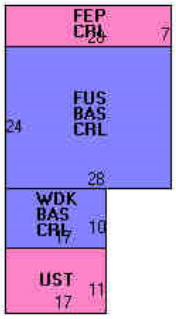
Extra Features

Code	Description	Units
FPL3	2 STORY CHIM	1 UNITS

Outbuildings

Code	Description	Units
No Outbuildings		

Building Sketch



Subarea Summary

Code	Description	Gross Area	Living Area
BAS	First Floor	842	842
CRL	Crawl Space	1038	0
FEP	Porch, Enclosed, Finished	196	0
FUS	Upper Story, Finished	672	672
UST	Utility, Storage, Unfinished	187	0
WDK	Deck, Wood	170	0

NH DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS BUREAU
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
Phone: (603) 271-2147 Fax: (603) 271-6588
web site: www.des.nh.gov/wetlands email: wetmail@des.state.nh.us

Minimum Impact Expedited Application

INSTRUCTIONS: This document has three sections. Section One is the application form, to complete once you have read the other sections; Section Two is a checklist, to ensure you have assembled the appropriate documents. Section Three describes projects that meet the minimum impact criteria. Please review Section Three first to be sure you are submitting the correct application.* If your project meets the criteria for a minimum impact project as outlined in Section Three, then complete all items in Sections One and Two. *Please type or print clearly.*

* *Other applications available from the DES Wetlands Bureau:*

1) **Notification Forms for Timber Harvesting for Forest Management, Trail Construction and Maintenance, and Seasonal Docks** - Projects involving minimum impact timber harvesting for forest management purposes, trail construction or maintenance, or seasonal nontidal dock installation may be approved by notification using the appropriate notification form provided certain conditions are met.

2) **Minimum Impact Agricultural Projects Application** - Permits for minimum impact agricultural projects may be obtained by developing plans in conjunction with the appropriate County Conservation District and submitting this form.

3) **Standard Dredge and Fill Application** - Minor and Major impact projects (and some minimum impact projects) require this form.

SECTION ONE

1. Name of Owner: VARNEY (Last) JEAN (First) (Middle Initial)
2. Mailing Address: 909 DOUGLASS DR. (Box # / Street) McLEAN (Town/City) VA (State) 22101 (Zip code)

( ) (Daytime Telephone Number) ( ) (Fax Number) (Email)

3. Location of Proposed Project: 2206 (Street #) OCEAN BLVD (Street/Road/Highway) RYE (Town/City) NH (State) 03870 (Zip code)

Tax Map Number: 5.3 Block/Lot Number: 74

4. Contractor or Agent: JEFF GERAGHTY (GERAGHTY PROPERTY MANAGEMENT) (Name of Contact and Company Name (if any))

100 GARLAND ROAD (Box # / Street) RYE (Town/City) NH (State) 03870 (Zip code)

(603) 817-1353 (Daytime Telephone Number) ( ) (Fax Number) (Email)

5. Provide a brief description of your proposed project. Include the amount of proposed wetland impact (in square feet) and, if applicable, the amount of shoreline impact (in linear feet).

REMOVE PAVEMENT, CONSTRUCT PATIO AND WALKWAYS, INSTALL FENCE AND LANDSCAPING WITHIN 100' TIDAL BUFFER ZONE. NO WETLAND OR SHORELINE IMPACT.

FOR INTERNAL USE ONLY
File Number: Initials:
Check date Check #: Amt.: Date received

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124

Book 0748 Page 0124

Know all Men by these Presents,

That I, Mabel W. Kirkegaard, of Bedford, County of Hillsborough and Commonwealth of Massachusetts.

Kirkegaard to Upton et al

for and in consideration of the sum of one dollar and other considerations to me in hand, before the delivery hereof, well and truly paid by Robert W. Upton and Marcia P. Upton both of Concord, County of Merrimack and State of New Hampshire

have remised, released and forever quitclaimed, and by these presents do remise, release and forever quitclaim unto

R.W. Upton Delivered to

the said Robert W. Upton and Marcia P. Upton and their heirs and assigns forever. A certain tract of land situated in Rye County of Rockingham and State of New Hampshire lying on the easterly side of the Ocean Boulevard, so called, and bounded as follows, to wit: Beginning at a stone post set in the ground on the easterly side of said Boulevard at land of William J. McGrath; Thence easterly by said McGrath's land about one hundred and thirty feet to the Atlantic Ocean; Thence southerly along the Atlantic Ocean seventy feet to a stake in the ground; Thence westerly about one hundred and thirty feet to said Ocean Boulevard; Thence Northerly seventy feet by said Ocean Boulevard to the point of beginning.

For title reference see deed of William D. Parsons to Mabel W. Kirkegaard.

The above described property is conveyed subject to the following restrictions, That no buildings other than dwellings shall be built upon said premises; That no dwelling house shall be built upon said premises to cost less than three thousand dollars;

That no garage shall be built upon said premises unless it be made a part of the dwelling house.

That no building shall be built within twenty feet of any street or way or within fifteen feet of the Sea Beach.

To have and to hold, the said premises, with all the privileges and appurtenances thereunto belonging, to the said Robert W. Upton and Marcia P. Upton and their heirs and assigns forever; and I do hereby covenant with the said Robert W. Upton and Marcia P. Upton that I will warrant and defend the said premises to them the said Robert W. Upton and Marcia P. Upton and their heirs and assigns, against the lawful claims and demands of any person or persons claiming by, from or under me.

And I, am not married wife of said for the consideration aforesaid, do hereby release my right of dower in said premises.

And we, the said and wife of said in consideration aforesaid, do hereby grant and release to said all the right, title, interest, claim or demand which we, or either of us, have in or to the above described premises, by virtue of an act of the Legislature of the State of New Hampshire, entitled "An Act to exempt the Homestead of families from attachment and levy or sale on execution," passed July 4, 1851.

And we and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution and such other rights which [illegible] by virtue of said act or any part thereof, as our Family Homestead, as are mentioned or secured to us or either of us, by the Statutes of the State of New Hampshire, passed July 4, 1851, entitled "An act to exempt the Homestead of Families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

In witness whereof I have hereunto set my hand and seal, this 30th day of December in the year of our Lord one thousand nine hundred and [illegible]

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in the name and behalf of the corporation such deeds or other instruments as may be necessary to convey title.

John A.L. Odde
Clerk

A true Copy: Attest:
John A.L. Odde
Clerk

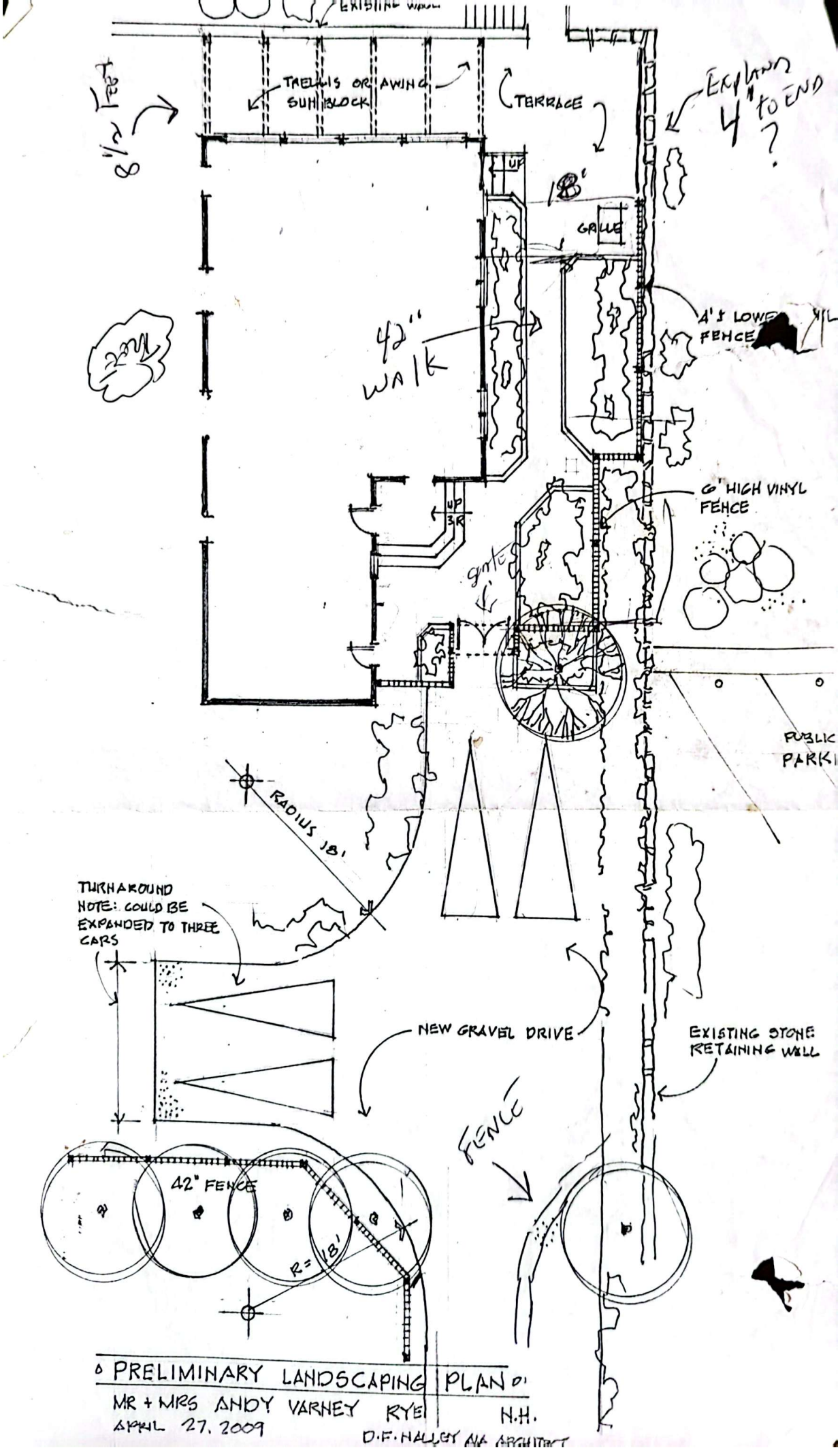
Know All Men By These Presents,

That the Brown Real Estate and Lumber Company, a duly established Corporation, with a usual place of business in Bedford, Middlesex County, Massachusetts for and in consideration of the sum of one dollar and other consideration to it in hand, before the delivery hereof, well and truly paid by Robert W. Upton and Martha G. Upton both of Concord, County of Merrimack and State of New Hampshire the receipt whereof it does hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Robert W. Upton and Martha G. Upton their heirs and assigns forever.

A certain tract of land situated in Raye, County of Rockingham and State of New Hampshire lying on the southerly side of the Ocean Boulevard, so called, and bounded as follows, to wit, Beginning at a stone set in the ground on the southerly side of said Boulevard and at land of William J. McGrath; Thence Southerly by said McGrath's land about one hundred and thirty feet, to the Atlantic Ocean; Thence Southerly by the Atlantic Ocean seventy feet, to a stake in the ground; Thence Northerly about one hundred and thirty feet, to said Ocean Boulevard; Thence Northerly seventy feet by said Boulevard to the point of beginning; For title reference see deed of James H. Perkins to Mathilde V. Markgraaff. The above described premises are conveyed subject to the following restrictions, That no buildings other than dwellings shall be built upon said premises; That no dwelling house shall be built upon said premises to cost less than three thousand dollars; That no garage shall be built upon said premises unless it be made a part of the dwelling house;

That no building shall be built nearer than twenty feet of any street or way or nearer than twenty feet of the Sea Beach;

To Have and To Hold the said granted premises, with all the privileges and appurtenances to the same belonging to them the said Robert W. Upton and Martha G. Upton and their heirs and assigns, to their and their only proper use and benefit forever. And the said Brown Real Estate and Lumber Co. its successors and assigns hereby covenant, grant and agree, to and with the said Robert W. and Martha G. Upton and their heirs and assigns, that until the delivery hereof it is the lawful owner of the said premises, and is seized and possessed thereof in its own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear of all and every incumbrances whatsoever; and that said grantor its successors and assigns, shall and will warrant and defend the same to the said Robert W. Upton and Martha G. Upton and their



PRELIMINARY LANDSCAPING PLAN

MR + MRS ANDY VARNEY RYE N.H.

APRIL 27, 2009

D.F. HALLEY AIA ARCHITECT

STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION OF FORESTS AND LANDS
172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856

603-271-2214
FAX: 603-271-6488
www.nhdfl.org

1909 ~ Celebrating a Century of Stewardship ~ 2009

July 9, 2009

Eben M. Lewis
Wetlands Compliance Specialist
NH Department of Environmental Services
Pease Field Office
50 International Drive, Suite 200
Portsmouth, NH 03801

COPY FOR YOUR INFORMATION

SUBJECT: File # 2009-01261 - Minimum Impact Expedited Application – Varney Property abutting Jenness Beach, Rye, NH

Dear Mr. Lewis:

Pursuant to Env-Wt 3004.04 "Setback From Property Lines", this letter shall serve as State concurrence for the Varneys to proceed with specific improvements to their property within 20 feet of the State boundary to Jenness Beach State Park, subject to the following understanding:

- white vinyl fencing will be installed per the plan, which is consistent with other fencing on the beach and was fine with the local conservation committee representatives who recently walked the property with the Varneys
- in order to mitigate the potential safety issues associated with kids playing on the masonry wall, the new fence will be installed as close as possible to the wall (perhaps even anchored on top of the wall), and
- where possible, plantings on the beach (below the wall) will be considered to create a vegetative buffer, and possibly using some of the existing driftwood to create a bed for the plantings

Please contact me at 271-2214, with any questions.

Sincerely,

Bill Carpenter

Bill Carpenter
Administrator, Land Management

Cc: Anne W. Bialobrzeski – Stockton Services